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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,392

04/26/2006

Satoko Iwato

CL2310USPCT

9007

7590 05/05/2008  
Dalickas, Gail A  
E.I. Dupont De Nemours and Company  
4417 Lancaster Pike  
Wilmington, DE 19805

EXAMINER
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HU, HENRY S

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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05/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/575,392	IWATO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	HENRY S. HU	1796	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on IDS of March 9, 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-9-2007</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. It is noted that Applicants' **IDS** (2 pages) filed on March 9, 2007 was received. It is also noted that this US Application is from 371 PCT/US03/32090 filed on October 7, 2003. No pre-amendment or drawing is applied. **Claims 1-16 with a total of three independent claims** (Claim 1, Claim 8 and Claim 13) are now pending. An action follows.

### **DETAILED ACTION**

#### ***Election/Restrictions***

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1, this is based on the preliminary search done by the examiner as well as by examining the references cited in international search report and IDS filed by Applicants. It is noted that all three independent claims are marked with an underline and are combined with its dependent claims.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted as following:

I. **Claims 1-7, drawn to a one-layer coating system (for coating substrate) comprising a fluorinated terpolymer of VF<sub>2</sub>/TFE/HFP with the molar ratio as specified.**

II. Claims 8-12, drawn to a quite different one-layer coating system (for coating substrate) comprising a fluorinated dipolymer of VF<sub>2</sub>/HFP with the molar ratio as specified.

III. Claims 13-16, drawn to a quite different one-layer coating system (for coating substrate) comprising a fluorinated terpolymer of VF<sub>2</sub>/TFE/PMVE with the molar ratio as specified.

3. Where the group of inventions is claimed in one and the same international application, the requirement for unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression “special technical features” shall mean those technical features that define a contribution which each of the claimed inventions considered as a whole, makes over the prior art. The inventions listed as Groups I, II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, although they share the special technical feature, this special technical feature does not define a contribution over the prior art for the following reasons:

4. In view of international search report for PCT/US03/32090 filed on April 6, 2006 by Applicants, Examiner's own prior art search as well as the references or articles cited in one IDS filed on March 9, 2007 by Applicants, Claims 1-16 is either obvious or anticipated by following:

**Bowers et al. (US 6,329,469 B1) and Albano et al. (US 5,639,838)** for the use of terpolymer **TFE/VF<sub>2</sub>/PMVE (Group III)**, **Hochgesang et al. (US 2004/0048983 A1)** and **Duane et al. (US 3,573,976)** for the use of dipolymer **VF<sub>2</sub>/HFP (Group II)**. In summary, these three groups have no common features in the preparation as well as its application since they are structurally different. The scope of the claims, i.e., the metes and boundaries are distinct. Accordingly, the special technical feature linking the inventions, each one-layer coating system from Group I, Group II and Group III does not provide a contribution over the prior art, and no single general inventive concept exists. Therefore the restriction is appropriate.

5. With respect to the fact that “both groups are structurally different each other”, Group I was drawn to the coating of a fluorinated terpolymer of VF<sub>2</sub>/TFE/HFP, Group II was drawn to the coating of a fluorinated terpolymer of VF<sub>2</sub>/HFP, while Group III was drawn to the coating of a fluorinated terpolymer of VF<sub>2</sub>/TFE/PMVE. The same co-monomer such as TFE may be used, the result polymers are distinct each other. Attention is directed to the fact that the individual property of monomers will not be shown in its polymers mainly due to tremendous difference in molecular weight. Additionally, fluoropolymer and its process of making are unique and thereby not interchangeable.

6. Because these inventions are distinct for the reasons given above shown as different subject matters and the search required for each group is not required for other groups have

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acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

7. It is noted that no phone call was made to **Gail A. Dalickas** (registration # 40,979, tel: 302 992-4947) by the examiner due to the complexity on multiple (**three**) distinct groups.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

8. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

9. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

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10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Dr. Henry S. Hu whose telephone number is (571) 272-1103**. The examiner can be reached on Monday through Friday from 9:00 AM –5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Vasu Jagannathan, can be reached on (571) 272-1119. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300 for all regular communications. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

//Peter D. Mulcahy//  
Primary Examiner, Art Unit 1796

/Henry S. Hu/  
Examiner, Art Unit 1796  
April 29, 2008



PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031  
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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	10/575392
Filing Date	October 07, 2003
First Named Inventor	SATOKO IWATO
Group Art Unit	UNKNOWN
Examiner Name	UNASSIGNED
Attorney Docket Number	CL2310USPCT

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US - 2003/166807A	09-04-2003	BIENER WILHELM-FRANZ ET AL.	
	2	US - 2003/170455 A1	09-11-2003	IWAKIRI RYUZI ET AL.	
	3	US - 4,335,238 A	06-15-1982	MOORE ALBERT L. ET AL.	
	4	US - 4,123,603 A	10-31-1978	STEWART, JR. CLARE A.	
	5	US - 2002/094440 A1	07-18-2002	ROLLER MARK B. ET AL.	
	6	US - 4,764,431 A	08-16-1988	MANGANELLI DEL FA CARLO ET AL.	
	7	US - 3,023,187 A	02-27-1962	SHEN LO ELIZABETH	
	8	US - 3,194,796 A	07-13-1965	NOONAN SQUIRE EDWARD	
	9	US - 3,235,537 A	02-15-1966	ARTHUR GALLAGHER GEORGE ET AL.	
	10	US - 4,546,141 A	10-08-1985	GEBAUER GERHARD	
	11	US - 4,395,445 A	07-26-1983	GEBAUER GERHARD ET AL.	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document CountryCode <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
	1	WO 00/55130 A	09-21-2000	DUPONT		<input type="checkbox"/>
	2	EP 0 365 933 A2	05-02-1990	DAIKIN INDUSTRIES, LTD.		<input type="checkbox"/>
	3	WO 01/37043 A1	05-25-2001	DUPONT		<input type="checkbox"/>
	4	GB 1 395 609	05-29-1975	TEIJIN LTD.		<input type="checkbox"/>
	5	FR 1,350,581	01-24-1964	DUPONT		<input type="checkbox"/>
	6	GB 871 582 A	06-28-1961	DUPONT		<input type="checkbox"/>
	7	DE 32 27 045 A	01-26-1984	HOECHST AG		<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
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Examiner  
Signature

/Henry Hu/

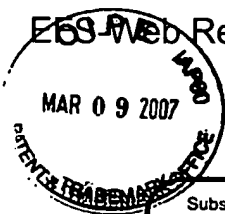
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/08B (07-05)

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	10/575392
Filing Date	October 07, 2003
First Named Inventor	SATOKO IWATO
Group Art Unit	UNKNOWN
Examiner Name	UNASSIGNED
Attorney Docket Number	CL2310USPCT

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	1	INTERNATIONAL SEARCH REPORT, INTERNATIONAL FILING DATE: 7/10/2003, INTERNATIONAL APPLN. NO. PCT/US03/32090, DUPONT, 12 PAGES	<input type="checkbox"/>
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<b>Notice of References Cited</b>	Application/Control No. 10/575,392		Applicant(s)/Patent Under Reexamination IWATO ET AL.	
	Examiner HENRY S. HU		Art Unit 1796	Page 1 of 1

**U.S. PATENT DOCUMENTS**

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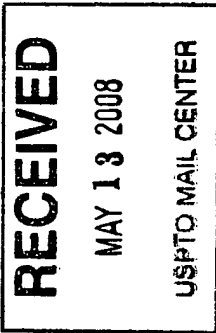
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